

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
PECOS DIVISION**

FRANKLIN C SMITH,
Plaintiff,

v.

DR. MAYS, *et al.*,
Defendants.

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P:22-CV-00009-DC-DF

ORDER

BEFORE THE COURT are Plaintiff Franklin C. Smith's ("Plaintiff") Complaint (Doc. 1) and Motion to Proceed In Forma Pauperis (Doc. 2). The Court finds that this action should be transferred to the San Angelo Division of the Northern District of Texas.

A civil action may be brought in:

- (1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located;
- (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated; or
- (3) if there is no district in which an action may otherwise be brought as provided in this section, any judicial district in which any defendant is subject to the court's personal jurisdiction with respect to such action.

28 U.S.C. § 1391(b). In addition, "[f]or the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought." 28 U.S.C. § 1404(a).

Plaintiff is voluntarily confined at River Crest Hospital in San Angelo, Texas. He brings suit against two hospital doctors and two hospital case workers for a claim of medical malpractice based on events which purportedly occurred at River Crest Hospital. San Angelo is within the geographical boundaries of the San Angelo Division of the Northern District of Texas.

Therefore, this action could have originally been brought in the San Angelo Division because that is where a substantial part of the events or omissions giving rise to Plaintiff's claims occurred.

It is therefore **ORDERED** that the above-referenced case is **TRANSFERRED** to the San Angelo Division of the Northern District of Texas.

It is so **ORDERED**.

SIGNED this 11th day of March, 2022.

A handwritten signature in black ink, appearing to read "David Counts", with a stylized star-like flourish at the end.

DAVID COUNTS
UNITED STATES DISTRICT JUDGE